

**CITY OF SALISBURY
ORDINANCE NO. 2040**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND SECTION 15.26.060 OF CHAPTER 15.26 - RENTAL OF RESIDENTIAL PREMISES TO PROVIDE FOR AN EXTENSION OF THE TIME IN 2007 TO REGISTER A RENTAL DWELLING UNIT AND TO OBTAIN AN OWNER'S LICENSE, AND TO SET FEES AND CONDITIONS THEREFORE; AND TO AMEND SECTION 15.26.080 TO REQUIRE REGISTRATION OF RESIDENTIAL DWELLING UNITS WITH THE DEPARTMENT OF INTERNAL SERVICES.

WHEREAS, the City of Salisbury has determined that the registration of rental dwelling units and the licensing of rental property owners has created unusual logistical issues in the Department of Neighborhood Services and Code Compliance for the calendar year 2007; and

WHEREAS, in order to provide ample time for rental property owners to comply with City annual rental dwelling unit registration and licensing requirements, including compliance with lead paint requirements in Section 6-811, et seq. of the *Environmental Article* of the Annotated Code of Maryland, the City of Salisbury has decided to extend the time for registration and licensing as set forth below; and

WHEREAS, the City of Salisbury desires to notify all new property owners of the registration, licensing, and occupancy requirements of the City Code by requiring the filing of a registration form with the Department of Internal Services at the time transfer of each residential dwelling unit in the City.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF SALISBURY, MARYLAND, that Section 15.26.060 and Section 15.26.080 be amended to read as follows:

CHAPTER 15.26

RENTAL OF RESIDENTIAL PREMISES

Section 15.26.060 - Failure to register rental dwelling unit or obtain owner license.

A. Failure to timely register a rental dwelling unit, renew a registration, or obtain or renew a license pursuant to this chapter shall result in the issuance of a non-registration fee as adopted by resolution of the council from time to time. The housing official shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice.

B. If the owner does not register a dwelling unit, renew a registration, or obtain or renew a license within thirty (30) days after said notice, the owner shall be designated a delinquent owner. The housing official shall notify the owner of such designation, cancel any existing license, and require that the owner vacate any tenant occupying a rental dwelling unit within sixty (60) days. Any security deposit shall be returned to the tenant pursuant to the provisions of Real Property Article, Title 8, Annotated Code of Maryland.

C. If a delinquent owner desires to register a rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by the housing official. All violations must be corrected before the rental dwelling unit is registered. A delinquent owner shall be required to register each of its rental dwelling units for a fee of five hundred dollars (\$500.00). The registration and registration fee shall be required for five consecutive years, unless the rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the delinquent owner, and the new owner complies with all the provisions of this chapter. If the new owner complies with the provisions of this chapter, the delinquent owner designation then terminates. If the new owner fails to timely register the rental dwelling unit, then the delinquent owner designation shall continue.

D. If a delinquent owner desires to obtain or renew a license pursuant to Section 15.26.050 of this chapter, the owner shall pay a license fee of five hundred dollars (\$500.00) for five consecutive years.

E. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after billing, the housing official shall cause to be recorded in the finance department the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected. (Ord.

1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

F. 1. During the 2007 calendar year, a rental property owner whose rental dwelling unit was listed in the Department of Neighborhood Services and Code Compliance (NSCC) data base on March 1, 2007, and who did not obtain a rental dwelling owner license and/or register each dwelling unit on or before May 18, 2007, shall be granted an extension until December 31, 2007, to obtain a rental dwelling owner license and/or register each rental dwelling unit for a fee of \$50.00 for each rental dwelling owner license and/or each rental dwelling unit. Failure to timely obtain the rental dwelling owner license or rental dwelling unit registration shall cause the owner to be designated as a delinquent owner.

2. During the 2007 calendar year, a rental property owner, whose rental dwelling unit was not listed in the NSCC data base on March 1, 2007, and who did not obtain a rental dwelling owner license and/or register each dwelling unit on or before May 18, 2007, shall be granted an extension until December 31, 2007, to obtain a rental dwelling license and/or register each dwelling unit for a fee of \$200.00 for each rental dwelling owner licenses and/or each rental dwelling unit. Failure to timely obtain the rental dwelling owner license or rental dwelling unit registration shall cause the owner to be designated as a delinquent owner.

3. Any rental dwelling unit previously approved as a non-conforming use for an occupancy of four (4) unrelated persons or three (3) unrelated persons, not including the children of either of them, which was not registered on or before March 1, 2007, shall lose its non-conforming occupancy designation.

G. A rental dwelling unit owner who was designated as a delinquent owner in 2007 shall have that designation removed provided that the rental dwelling unit owner fully complies with the provisions of Chapter 15.26 prior to December 31, 2007. Any fees collected by NSCC as a result of delinquent owner status shall be refunded to the rental dwelling owner by January 31, 2008, provided the rental dwelling unit registration and the owner's license are obtained prior to December 31, 2007.

15.26.080 Transfer of Title or Registration.

A. Prior to transfer of title for a residential dwelling unit, the transferee shall file a registration form, under oath, with the Department of Internal Services, stating the residential occupancy status of the property and agreeing to comply with City occupancy and registration provisions.

B. To transfer a rental dwelling unit registration from one property owner to another, the owner shall give written notice, including the name and address of the transferee to the housing official at least forty-eight (48) hours prior to any transfer of the registered property. The transferee must make application to the housing official and pay the required fee for a transfer of a registration within thirty (30) days of the transfer of the property. Failure to make application within the specified time limit will result in the automatic forfeiture of the registration, and the new owner shall

be subject to all of the sanctions provided in this chapter. (Ord. 1974 (part), 2005: Ord. 1942 § 1 (part), 2005)

AND BE IT FURTHER ENACTED AND ORDAINED by the Council of the City of Salisbury, Maryland, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2007, and having been published as required by law, in the meantime, was finally passed by the Council at its meeting on the _____ day of _____ 2007.

Brenda J. Colegrove
City Clerk

Louise Smith,
President of the City Council
of the City of Salisbury

Approved by me this _____
day of _____ 2007.

Barrie P. Tilghman
Mayor of the City of Salisbury